

IN THE NORTHERN DISTRICT OF OKLAHOMA
UNITED STATES OF AMERICA

(1) PHILIP SANDERS, an
Individual and Husband and
Next of Kin of BRENDA JEAN
SANDERS, Deceased,

Plaintiff,

-vs-

No. 17-cv-492-JHP-FHM

(1) CREEK COUNTY BOARD OF
COUNTY COMMISSIONERS, and
(2) SHERIFF BRET BOWLING,
in his official capacity as
Creek County Sheriff, and
(3) TURN KEY HEALTH CLINICS,
a limited liability company,

Defendants.

DEPOSITION OF BAILEY SMALLEY

TAKEN ON BEHALF OF THE PLAINTIFF

TAKEN AT 7447 SOUTH LEWIS AVENUE

TULSA, OKLAHOMA

JUNE 2, 2020

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REPORTED BY: RACHAEL A. ROPER, RPR

ROPER REPORTING  
P.O. BOX 1289  
BROKEN ARROW, OKLAHOMA 74013  
Roperreporting@att.net  
(918) 633-7258

**EXHIBIT**

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1 Q. In the detention tank, is that the area where you  
2 said there was not any facilities?

3 A. (Shakes head back and forth.)

4 Q. Is that correct?

5 A. Yes.

6 Q. And then it looks like 11/19 is when she's moved  
7 from holding cell 1 to holding cell 5 by William  
8 Rake; is that correct?

9 A. Yes.

10 Q. Do you know why she was moved from holding cell 1  
11 to holding cell 5?

12 A. I would think because holding cell 1 is bigger than  
13 holding cell 5, so they probably needed to make room  
14 for another person to come up into booking.

15 Q. Well, actually it says "Moved to make room in  
16 booking"; is that correct?

17 A. Yes.

18 Q. Now, on 11/6 of '16 when she was moved from drunk  
19 tank to holding cell number 1, it says reason is  
20 medical reasons. Do you know of anything in the  
21 time period of November the 6th, 2016 that was going  
22 on medically with Brenda Sanders?

23 A. She had uncontrollable diarrhea.

24 Q. And how do you know that she had uncontrollable  
25 diarrhea?

- 1 A. I saw it.
- 2 Q. Do you know when her uncontrollable diarrhea
- 3 started?
- 4 A. Not the exact date, no.
- 5 Q. Do you know if it was while she was in L pod or
- 6 after she was moved to booking area?
- 7 A. I would think it started in L pod and she was moved
- 8 to the booking area because of it.
- 9 Q. Does this show any other reason for her move at
- 10 that time other than it would be for medical
- 11 reasons?
- 12 A. No.
- 13 Q. Did you ever speak with anyone employed by Turn Key
- 14 regarding Brenda Sanders' condition?
- 15 A. Yes.
- 16 Q. Do you know when the first time was that you did
- 17 that?
- 18 A. No.
- 19 Q. As a detention officer, do you have the authority
- 20 to give anybody medical treatment?
- 21 A. No.
- 22 Q. Did Turn Key provide, as far as you know, anyone
- 23 with a form or anything so that a detention officer
- 24 could report something to Turn Key regarding
- 25 inmates?

1 A. They have forms for inmates themselves to fill out  
2 and we would turn them in to the nurse.

3 Q. Do you know if Brenda ever filled out a form?

4 A. I do not.

5 Q. When you first noticed Brenda's condition, can you  
6 tell us what is it you noticed about her?

7 A. Just the diarrhea, really. Her face was kind of  
8 sunk in. She just acted like she didn't feel very  
9 good.

10 Q. From the first time you saw her condition until the  
11 day the ambulance came, did you observe whether her  
12 condition got worse or better?

13 A. It got worse.

14 Q. When you say worse, what was the worst you ever saw  
15 her?

16 A. The day that she left on the ambulance.

17 Q. During the time you first saw her when she had  
18 diarrhea up to the time that she was transported by  
19 ambulance, did you ever see anyone from Turn Key do  
20 a medical examination of her?

21 A. No.

22 Q. From the time that you noticed the diarrhea until  
23 the time that she was taken out by ambulance, did  
24 you ever see anyone pass her her meds?

25 A. Yes.

1 A. I am.

2 Q. In the report that you wrote it has a picture.

3 Does that picture look anything like Brenda when she  
4 left the jail?

5 A. No.

6 Q. How is that picture different than what she looked  
7 like when she left the jail?

8 A. Her face was really sunk in and her hair, honestly,  
9 looked pretty crazy too, because she obviously  
10 didn't have the energy to comb it or anything, and  
11 she just looked really sick.

12 Q. For how long had she looked really sick?

13 A. Two weeks.

14 Q. Would there be any way someone can look at Brenda  
15 Sanders once she had been moved to the booking area,  
16 that they would not be able to know that she was  
17 sick?

18 MS. THOMPSON: Object to form.

19 A. No.

20 Q. (By Mr. Richardson) And you're not even a medical  
21 personnel; correct?

22 A. No.

23 Q. And you knew she was sick?

24 A. Yes.

25 Q. Each time that you saw Brenda after she was moved